

2003 06/11 WED 08:10 FAX --- MERCHANT

0001-0001

Attorney Docket No. 11779-01000

MERCHANT & GOULD P.C.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

I, the undersigned, hereby declare that my residence, post office address and citizenship are as stated below next to my name; that

I am the sole inventor (if only one name is listed below) or one of the inventors (if plural inventors are named below) of the invention which is claimed and for which a patent is sought on the hereto attached: Method And Device For Feeding Components To A Mixing Vessel For Tissue

The application of which

☐ is a continuation of ☐ was filed on ☐ as application serial no. 08/968,734 and was amended on ☐ 12, 1997; November 23, 1998; June 20, 1999; September 1, 2000; and June 3, 2002 (if applicable) (in the case of a PCT-filed application described and claimed in international no. ☐ amended on ☐ (U.S.), which I have reviewed and for which I claim United States patent.

I hereby state that I have read and understand the contents of the above identified specification including the claims, as amended by any amendments hereto.

I hereby claim that I am entitled under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate filed in any country identified below my foreign application for patent or inventor's certificate having a filing date before that of the application of which priority is claimed:

- a. ☐ no such application has been filed.
b. ☒ such application(s) have been filed as follows:

COUNTRY	APPLICATION NUMBER	DATE OF FILING (Month, Year)	DATE OF ISSUE (Month, Year)
Sweden	930169-6	10 May 1997	
PCT	PCT/SE94/00413	6 Nov 1994	
COUNTRY	APPLICATION NUMBER	DATE OF FILING (Month, Year)	DATE OF ISSUE (Month, Year)

I hereby claim that under Title 35, United States Code, § 120/365 of any United States and/or PCT international application(s) listed below and, except as may be stated to the contrary, each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 35, United States Code, § 1.10(c) which occurred between the filing of the above application and the national or PCT international application of this application.

U.S. PATENT APPLICATION NUMBER	DATE OF FILING (Month, Year)	STATUS (e.g., pending, abandoned)
08/734,317	22 October 1996	Abandoned
08/545,312	13 November 1995	Abandoned

I hereby claim that under Title 35, United States Code, § 119(b) of any United States or foreign application(s) listed below:

U.S. PATENT APPLICATION NUMBER	DATE OF FILING (Month, Year)
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and disclose any information that is material to the patentability of this application (consistent with Title 37, Code of Federal Regulations 1.101(b)(2) below):

§ 1.55 Duty to disclose information material to patentability.

(a) A person who is involved in the preparation, prosecution, or filing of a patent application has a duty to disclose to the Office all information known to that person which is material to the patentability of the claims in the application. This duty to disclose information exists with respect to each pending claim until the claim is rejected, withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is excluded from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is derived from the belief that all information known to be material to the patentability of any claim issued in a patent was used by the Office or applicant in the manner prescribed by 35 U.S.C. 101. However, no patent will be granted on an application in compliance with which fraud on the Office has been practiced or the duty of disclosure was violated through bad faith or intentional misstatement. The Office encourages applicants to submit such information.

- (1) Information obtained in search reports of a foreign patent office in a counterpart application; and
- (2) Information over which individuals associated with the filing, prosecution, or amendment of a patent application believe the patentability of the claim is in jeopardy, to make sure that any material information concerning the claim is disclosed to the Office.
- (b) Information is material to patentability when it is not commonly known information already of record or being made of record by the Office, and
- (c) Information, by itself or in combination with other information, a prima facie case of unpatentability of a claim, or
- (d) Information, or is inconsistent with, a position the applicant takes in:
 - (1) Opposing an argument of unpatentability relied on by the Office; or
 - (2) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that the claim is unpatentable under the preponderance of evidence standard of proof, giving each term in the claim its broadest reasonable construction consistent with the specification, and no substantial question is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (e) Individuals associated with the filing or prosecution of a patent application with the filing of this section are:
 - (1) The inventor named in the application;
 - (2) The attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, the assignee or with anyone to whom there is an obligation to disclose the invention.
- (f) Individuals named in the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent or inventor.
- (g) In a non-provisional or in-part application, the duty under this section includes the duty to disclose to the Office all information known to be material to patentability as defined in paragraph (b) of this section which becomes available between the filing date of the non-provisional and the national or PCT international filing date of the corresponding in-part application.

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I hereby appoint the following agent(s) and/or patent agent(s) to prosecute this application and to conduct all business in the Patent and Trademark Office on my behalf.

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I hereby certify that I am fully in compliance with the provisions of the Patent and Trademark Office rules and regulations and that I have not made any full disclosure to be represented and prosecuted by M&G International & Gould P.C. to the contrary.

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Understand that the undersigned, and the grant of a power of attorney, does not in itself constitute an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C. or any of its attorneys.

Please direct all correspondence relating to this case to Merchant & Gould P.C. at the address indicated below.

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I hereby declare that the statements herein of my own knowledge are true and that all statements of others are true to the best of my belief and belief are believed to be true. I understand that these statements were made with the knowledge that willful falsehoods and for false statements are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the immigration status of myself, my family, or any person named herein.

1	Full Name Officer	First Given Name STOLEN	Married Given Name
2	Birth Date A	State or Foreign Country STOLEN	Country of Citizenship STOLEN
3	Address Address	City STOLEN	State & Zip Code/Country STOLEN
Signature of Officer		Date 2-03-JUNE 10	

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